

Managing Education Agents Policy and Procedure

Supporting plans, policies and procedures	• Academic Integrity and Academic Misconduct Policy and Procedure • Admissions and Enrolment Policy and Procedure • Australian International Education and Training Agent Code of Ethics • Conflict of Interest Policy and Procedure • Code of Conduct • Credit and Recognition of Prior Learning Policy and Procedure • Education Services for Overseas Students Act 2000 • Learning and Teaching Policy • Risk Management Policy • Marketing Plan • Student Complaints and Appeals Policy and Procedure
Related legislation and references	• <i>Education Services for Overseas Students Act 2000</i> • Higher Education Standards Framework 2021 • National Code of Practice for Providers of Education and Training to Overseas Students 2018 • Tertiary Education Quality and Standards Agency Act 2011
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Version	Review Date and Person/Body	Notes
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1.1	Noted by Academic Board on 26 Feb. 2025 and Approved by the Board of Directors on Sept. 2025	Minor updates
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Background and Scope

In order to undertake delivery of programs and pursuant to its Marketing Plan, MIHE will engage education agents to assist in the process of recruiting suitably qualified students to undertake its education programs.

This policy and procedure details how the Melbourne Institute of Higher Education (MIHE) engages, manages and reviews education agents pursuant to its obligations under the Higher Education Standards Framework (Threshold Standards) 2021 in the *Tertiary Education Quality and*

Standards Agency Act 2011, and the National Code of Practice for Providers of Education and Training to Overseas Students 2018

Definitions

CoE: Confirmation of Enrolment

ESOS Act: Education Services for Overseas Students Act 2000

EATC: Education Agents Training Course

GTE: Genuine Temporary Entrant

National Code: National Code of Practice for Providers of Education and Training to Overseas Students 2018

PRISMS: Provider Registration and Information Management System

SMS: Student Management System

Policy

Principles

MIHE will enter into a written agency agreement with each agent that it appoints to formally represent it. Agents will be initially appointed for a period of 2 years at which time the contract may be renewed at the discretion of MIHE. Accordingly, MIHE will:

- Maintain updated records on contracted agents in its student management system and in PRISMS.
- Maintain a register of all engaged agents and will publicise this through its website.
- Appoint agents on a non-exclusive basis.
- Require all agents to understand and adhere to all the requirements of the Higher Education Threshold Standards, National Code 2018 and the *ESOS Act* and any other legislation in so far as it relates to the provision of services by agents to MIHE.
- Require agents to have an appropriate knowledge of MIHE, the Australian international education system and the requirements of the Australian student visa system.
- Require all marketing activities that agents undertake in relation to recruiting students on behalf of MIHE to be approved by MIHE; and comply with all relevant legislative requirements and to conform with the highest ethical standards.
- Provide agents with accurate and up-to-date course and other information and materials to enable them to conduct their services as set out in the *National Code*.
- Advise agents as soon as practicable of changes to legal or regulatory conditions which may affect any potential enrolments with MIHE

Responsibility

- implementing the agent selection process;

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- making recommendations for the engagement of new agents;
- conducting periodic agent performance reviews according to the agent performance monitoring schedule;
- taking corrective and preventive actions in relation to work conducted under the terms of the agent agreement; and
- ensuring that relevant MIHE staff are aware of and comply with the requirements under this policy and procedure.

The CEO will make decisions on appointment and termination and compliance actions regarding agents following advice from the Senior Marketing Manager.

The Administration Manager is responsible for completing the agent agreement and maintaining the currency, accuracy, and consistency of MIHE's active agents in PRISMS and on the MIHE website.

Requirements

MIHE will enter a formal, written agreement with each education agent it appoints to represent it. The agreement will specify the responsibilities of both the education agent and of MIHE and the need to comply with the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and other relevant regulation. The written agreement will also include:

- Processes for monitoring the activities of the education agent, including in relation to the need for corrective actions.
- Training and information to be provided to the education agent and their staff.
- Specific performance measures including enrolment performance, visa refusal rates, monitoring genuine temporary entrants, confirmation of enrolment, course progress and attendance, and ethical practices.
- Circumstances under which MIHE will take preventive and corrective actions.
- Circumstances under which MIHE may terminate the agreement or require the education agent to terminate its relationship with an employee or subcontractor including where MIHE becomes aware or has reasons to believe, that the education agent or a person acting on its behalf is engaging in false or misleading recruitment practices.

MIHE will not accept students from or enter into a written agreement with any education agent if it knows or has reasonable grounds to suspect that the agent:

- Might engage in or has previously been engaged in unlawful or dishonest practices, including deliberately recruiting non-genuine students, transferring students before they have completed six months of the principal course of study where exceptions do not apply.
- Facilitated the enrolment of students who will breach or have already breached the conditions of their student visa.
- Using PRISMS to create CoEs for non-genuine students.
- Providing unauthorised immigration advice where it is forbidden to do so under the *Migration Act*.

MIHE will take immediate corrective and preventative action when it becomes aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or

unethical advertising and recruitment practices, including practices that could harm the integrity and reputation of Australian education and training.

MIHE must have in place an agent performance monitoring schedule to systematically monitor the performance of its agents.

Procedure

Agent selection and engagement

Prospective agents will be required to complete the agent application via the MIHE website or by email. As part of the application prospective agents are required to provide the following:

- Evidence of business registration.
- Company profile.
- At least two references from Australian providers for whom the agent has been recruiting.
- Agent Declaration of No Conflict of Interest as an education agent for MIHE.
- Migration agent certification where applicable.
- Qualified Education Agent Training certificate (onshore agents only).

The Senior Marketing Manager will check references, conduct a face-to-face interview and make an assessment about the suitability of the applicant agent before making a recommendation to the CEO.

Training and Monitoring Authorised Agents

Education agents are required to demonstrate that they have acquired the following knowledge before commencing any activities on behalf of MIHE:

- MIHE courses, entry requirements, admission processes.
- Student Complaints and Appeals Policies and Procedures, and Refund Policies.
- Australian International Education and Training Agent Code of Ethics.
- Australian requirements for and conditions of student visas.

Agent appointments will be for a maximum period of 2 years duration and performance will be reviewed periodically and not less than every 6 months. The Senior Marketing Manager will undertake the agent review according to the listed criteria below plus any other relevant information:

- Enrolment performance
- Visa refusal rates
- Monitoring GTEs
- CoE outcomes from PRISMS
- Course progress and attendance
- Ethical practices

MIHE may use methods, including the following to review and monitor agent performance:

- Student feedback about their agent

- Regular contact with the agent to verify the currency of the marketing materials being by the agent
- Visiting agents at their place of business

The record of agent performance review form will be stored in the agent's file in MIHE agent Management System.

The Administration Manager will update the MIHE master education agent list and agent list on its website and enter the agent details in PRISMS.

Following the review MIHE will communicate the outcome to the agent. Where MIHE identifies a performance issue with an agent, MIHE may take corrective and preventative action that is appropriate to the issue as outlined below.

In the event that MIHE becomes aware that an agent is acting in contravention of their agreement with MIHE, the National Code of Practice for Providers of Education and Training 2018, or the requirements of any relevant laws such as the *Education Services for Overseas Students Act 2000* MIHE will take immediate corrective and preventive actions.

MIHE will notify relevant Commonwealth, State or Territory agencies, if it considers the agent may have broken the law.

Corrective and preventive actions

MIHE will take immediate corrective and preventive actions upon becoming aware of an education agent being negligent, careless, or incompetent or engaging in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education system. Corrective and preventative actions will be appropriate to the breach committed by the agent.

Corrective and preventive actions may include the following:

- Sending a performance warning to the agent.
- Requiring the agent to undertake counselling by MIHE regarding their responsibilities under the Agent Agreement, National Code and the *ESOS Act*.
- Requiring the agent to provide students with a refund of the agent fees in the event that students have been misled by the words or actions of an agent.
- Rectifying incorrect information provided to students.
- Withhold or deduct agent fees when MIHE has refunded student fees due to agent's breaches or misconduct.
- Imposing market geographic restrictions.
- Terminating, not renewing or cancelling the agent agreement.

Agents who refuse to undertake the required corrective and preventative actions will have their agreement terminated.

Termination of the agent agreement

MIHE or the agent may terminate the Agent Agreement at any time but must give at least 30 days written notice of their intention. Following the termination of the agreement no further students

will be accepted from the agent and the agent must return all MIHE marketing materials and cease any promotion of MIHE

If the agent or an employee or a subcontractor of the agent is found to or is reasonably suspected to, have engaged in false or misleading recruitment practices, MIHE will:

- Require the Agent to terminate its relationship with the employee or subcontractor who engaged in those practices, except in circumstances where the offending employee or contractor has been terminated and the consequences of their conduct can be rectified; or
- Cancel the agreement with immediate effect by providing written notice.

Once an agent agreement has been terminated MIHE will:

- Cease accepting new students from the agent and will not pay further commissions to the agent.
- Require the agent to reimburse commissions paid by MIHE to the agent where students have been misled by the actions of the agent.

Upon cancellation of the agent agreement, the Senior Marketing Manager will remove the agent details from PRISM and MIHE website.

Renewal of agent agreement

Renewal of the agent agreement will be subject to the outcome of agent performance review program or the changing circumstances of MIHE.

Where an agreement is not renewed the agent details will be removed from PRISMS and the MIHE website. Where the agreement is renewed the agreement expiry date will be updated in the MIHE student management system.

Change of education agent

Students may request to change their agent. A request to change agent must be made in writing and signed by the student. Requests to change agents may be granted if exceptional circumstances are demonstrated.

Where a student has already paid a deposit and received a COE for the current course of study, a change of agent will not be approved for that course of study.

Where a student applies for a change of agent, the replacement agent must be registered with MIHE at the time of MIHE receives the request to change agent.

Where a request is granted the change of agent must be notified to both the relinquishing agent and the successor agent.

Where the request is not approved students will have the opportunity to elect to be treated as a direct applicant.